

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DOROTHY STANLEY, AS EXECUTRIX OF	:	
THE ESTATE OF HELEN A. RUNGE,	:	
Plaintiff	:	
	:	
	:	
v.	:	No. 05-10849-RGS
	:	(Judge Stearns)
	:	
WALTER J. KELLY, et al.,	:	CIVIL ACTION
Defendants	:	JURY TRIAL DEMANDED

**PLAINTIFF'S PROPOSED QUESTIONS FOR VOIR DIRE**

You have been selected as prospective jurors in the case captioned at No. 05-10849-RGS in which the Plaintiff is Dorothy Stanley, the Executrix of Estate of Helen A. Runge, and the Defendants are Walter J. Kelly and Mediplex of Massachusetts, Inc., who traded and did business as Sunbridge Care and Rehabilitation for Randolph. The case arises out of Helen Runge's relationship with Walter J. Kelly, an attorney, which began in 2000. Mr. Kelly was Helen's attorney, her power of attorney and her health care proxy during her stay at Sunbridge Care and Rehabilitation for Randolph between January 23 and April 30, 2003. In response to a letter from Helen asking her for help, Dorothy Stanley, Helen's daughter, traveled from her home in North Carolina on April 29 to see Helen at Sunbridge. Helen told Dorothy that she wanted to leave Sunbridge

and go with Dorothy to live in North Carolina. On April 30, Dorothy and her husband, Gilbert Stanley, removed Helen from Sunbridge. Helen's lawsuit claims Attorney Kelly and Sunbridge failed to give Helen the required care and also attempted to prevent her from leaving the nursing home with her daughter. The suit also claims that Attorney Kelly, after Helen had gone to North Carolina, and with the assistance of Sunbridge, inappropriately and against Helen's wishes had himself appointed by a Massachusetts Court as Helen's guardian and accessed her financial accounts to pay his bills and those of Sunbridge. In order to select a jury, there are questions which need to be asked in order to determine if you can make a fair and impartial decision in this matter.

1. As I indicated earlier, my name is Glenn R. Davis and I am an attorney from Harrisburg, Pennsylvania. Also associated with the Plaintiff and myself in this case is Blake J. Godbout, an attorney from Boston, Massachusetts. Are any of you related by blood or marriage to either myself or Mr. Godbout? Are you familiar with either myself or Mr. Godbout?

2. Walter J. Kelly is being represented by George S. Rockas and Michelle Carlucci of the firm of Wilson Elser Moskowitz Edelman & Dicker LLP. Are any of your related by blood or marriage to either Mr. Rockas or Ms. Carlucci or anyone in that firm? Are any of you familiar with either Mr. Rockas, Ms. Carlucci or that firm?

3. Defendant Mediplex of Massachusetts, Inc., trading and doing business as Sunbridge Nursing and Rehabilitation Center, is represented by Michael Williams and K. Scott Griggs of the law firm of Lawson & Weitzen, LLP. Are any of you related by

blood or marriage to either Mr. Williams or Mr. Griggs or anyone in that firm? Are any of you familiar with either Mr. Williams, Mr. Griggs or that firm?

4. The Plaintiff in this case is Helen A. Runge and her Estate is represented by Dorothy Stanley. Are any of you related by blood or marriage to either of them? Are any of you familiar with either of them?

5. One of the Defendants in this case is Walter J. Kelly, an attorney who practices in West Roxbury, Massachusetts. Are any of you related by blood or marriage to Mr. Kelly? Are any of you familiar with Mr. Kelly?

6. One of the Defendants in this case is Mediplex of Massachusetts, Inc., trading and doing business as Sunbridge Care and Rehabilitation for Randolph. Are any of you familiar with Sunbridge Care and Rehabilitation for Randolph, or had any relative or family member stay at Sunbridge Care and Rehabilitation for Randolph?

7. Are you acquainted, however slightly, in a business, professional, social or personal way with, or are you related, by blood or by marriage, to either Helen Runge or Dorothy Stanley, the Plaintiff in this case? If so:

- a) How are you acquainted?
- b) How long have you known her?
- c) How frequently did you see her?
  - i) In what context did you see her?
- d) How frequently did you speak with her?
  - i) In what context did you speak with her?

8. Are you acquainted, however slightly, in a business, professional, social or personal way with, or are you related, by blood or by marriage, to Walter Kelly? If so:

- a) How are you acquainted?
- b) How long have you known him?
- c) How frequently do you see him?
  - i) In what context do you see him?
- d) How frequently do you speak with him?
  - i) In what context do you speak with him?

9. Are you acquainted, however slightly, in a business, professional, social or personal way, or are you related, by blood or by marriage, with anyone who works for, or has ever worked for, Sunbridge? If so:

- a) With whom are you acquainted?
- b) How do you know them?
- c) How long have you known them?
- d) How frequently do you see them?
  - i) In what context do you see them?
- e) How frequently do you speak with them?
  - i) In what context do you speak with them?

10. Have you ever been represented by or are you acquainted with George S. Rockas or Michelle Carlucci of the law firm of Wilson Elser Moskowitz Edelman & Dicker LLP, or any other lawyer with the firm of Wilson Elser Moskowitz Edelman & Dicker LLP? If so:

- a) With whom are you acquainted?
- b) How do you know them?
- c) How long have you known them?
- d) How frequently do you see them?
  - i) In what context do you see them?
- e) How frequently do you speak with them?
  - i) In what context do you speak with them?

11. Have you ever been represented by or are you acquainted with Michael Williams or K. Scott Griggs of the law firm of Lawson & Weitzen, LLP, or any other lawyer with the firm of Lawson & Weitzen, LLP? If so:

- a) With whom are you acquainted?
- b) How do you know them?
- c) How long have you known them?
- d) How frequently do you see them?
  - i) In what context do you see them?
- e) How frequently do you speak with them?
  - i) In what context do you speak with them?

12. Have you ever been represented by or are you acquainted with Glenn R. Davis of the law firm of Latsha Davis Yohe & McKenna, P.C., or Blake J. Godbout of Blake J. Godbout & Associates, or any other lawyer with those firms? If so:

- a) With whom are you acquainted?
- b) How do you know them?

- c) How long have you known them?
- d) How frequently do you see them?
  - i) In what context do you see them?
- e) How frequently do you speak with them?
  - i) In what context do you speak with them?

13. Have you ever been involved in a controversy in which George S. Rockas or Michelle Carlucci, or any other lawyer with the firm of Wilson Elser Moskowitz Edelman & Dicker LLP, represented the other party?

14. Have you ever been involved in a controversy in which Michael Williams or K. Scott Griggs, or any other lawyer with the firm of Lawson & Weitzen, LLP represented the other party?

15. Have you ever been involved in a controversy in which Glenn R. Davis or Blake J. Godbout, or any other lawyer with the firm of Latsha Davis Yohe & McKenna, P.C., or Blake J. Godbout & Associates represented the other party?

16. Do you know any of the following persons who may appear as witnesses for the Plaintiff or Defendants in this case?

- a) Dorothy Stanley
- b) Gilbert Stanley
- c) Walter J. Kelly
- d) Dr. Kerry Bloomingdale
- e) Sandra Porazzo-Perry
- f) Farah Seidler

- g) Linda Fagan
- h) Dr. Richard Dupee
- i) Attorney Arnold Rosenfeld
- j) Susan Forni
- k) Attorney David Aptaker
- l) Dr. Elizabeth Gaufberg
- m) Thomas Schiavoni
- n) Primus Chalon
- o) Kathy Couche
- p) Donna Foley
- q) John Geraghty
- r) Lawrence Hale
- s) Linda Johnson
- t) Paul Porter
- u) Ellen Richwine
- v) Al Wilkins

17. Have you, or any member of your family, ever been a plaintiff or defendant in a lawsuit? If so:

- a) Were you or family member the plaintiff or the defendant?
- b) What kind of case was it?
- c) Did the case go to trial?
- d) Did you appear in court and testify?

- e) What was the outcome of the trial?
- f) What was the outcome of the case?
- g) Has that experience affected you in any way?

18. Have you, or any member of your family, ever been a witness or deponent in a lawsuit in which you were not the plaintiff or defendant? If so:

- a) What kind of case was it?
- b) Were you a witness or deponent?
- c) What was the substance of your testimony?
- d) Did you have to appear in court and testify?
- e) What was the outcome of the trial?
- f) What was the outcome of the case?
- g) Has that experience affected you in any way?

19. Have you ever served on a jury before? If so:

- a) When?
- b) What court?
- c) Was it a civil or criminal case?
- d) What was the nature of the case?
- e) Was a verdict reached?
- f) For whom did the jury decide?
- g) How many times have you served as a juror?

20. Have you, or any member of your family, ever been involved in any kind of proceeding involving a dispute with an attorney, or with a nursing home? If so:



- a) Who was the dispute between?
- b) What type of proceeding was it?
- c) What was the nature of the dispute?
- d) What was the outcome?
- e) How do you feel about the dispute and its outcome?

21. Have you, or any member of your family, ever worked for an attorney or a nursing home? If so:

- a) Who?
- b) What attorney, firm or company?
- c) In what capacity?
- d) Under what circumstances did you, your family member or friend leave that attorney, firm or company?

22. Have you ever been employed by Sunbridge? If so:

- a) When?
- b) In what capacity?

23. Do you know any individual who is either been a resident at Sunbridge, or had a family member who was a resident at Sunbridge? If so:

- a) Who?
- b) When were they a resident?
- c) Why were they a resident?
- d) Do you have any feeling one way or another about the care that was given to them there?

24. Have you, your spouse, or any member of your family, or any of your close friends, ever been resident in a nursing home?

- a) Who?
- b) When?
- c) What was the length of the stay?
- d) What was the reason for the stay?
- e) How do you feel about the circumstances surrounding the stay at and care given by the nursing home?

25. Have you, your spouse, or any member of your family, or any of your close friends, ever served as a power of attorney or guardian of a person?

- a) Who?
- b) When?
- c) What capacity did you/they hold?
- d) How do you feel about the circumstances surrounding that appointment?

26. Do you have any pre-existing opinion as to who should prevail in this case?

27. Is there any reason whatsoever why you could not render a fair and impartial verdict in this case?

28. Would you entertain any prejudice against, or sympathize with, any particular party in this case?

29. Would your judgment be affected if you found yourself in the minority at the time the jury begins its deliberations?

30. Will you, if you are sworn as a member of the jury, decide this case without prejudice, solely on the evidence presented before you and on the law as the judge instructs you, and on nothing else?

31. Do you have preconceived opinions about attorneys and whether they treat their clients fairly?

32. Do you have any preconceived opinions about nursing homes and whether they treat their residents properly?

33. Do you believe you can treat the Plaintiff and the Defendants with equal fairness in arriving at a verdict?

34. Do you believe that an individual is more likely to be telling the truth than a company?

35. Do you believe that an individual is entitled to be treated with greater consideration than a company?

36. Do you believe that an individual who is a doctor or nurse or an attorney is more likely to be telling the truth than a lay person?

37. Do you know any reasons, whether you have been asked about it in a specific question or not, why, if you serve as a juror, you cannot decide this case fairly

and impartially based on the evidence presented and under the law as the Court gives it to you?

Respectfully submitted,

LATSHA DAVIS YOHE & MCKENNA, P.C.

Dated: June 16, 2008

By /s/ Glenn R. Davis  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing document was served upon the attorney of record for each party by electronic transmission.

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Dated: June 16, 2008

/s/ Glenn R. Davis

Glenn R. Davis